**THE HONOURABLE SRI JUSTICE P.S.NARAYANA**

**W.P.NO.11950 OF 2006**

DATED: 15-06-2006

Between:

Setti Gangadhara Swamy Petitioner

And

The Government of Andhra Pradesh,rep.by its

Secretary, Panchayat Raj Department,

Secretariat, Hyderabad and others

Respondents

**THE HONOURABLE SRI JUSTICE P.S.NARAYANA**

**W.P.NO.11950 OF 2006**

**ORDER:**

1. Heard the counsel.

2. The writ petition is filed praying a writ of Mandamus or any other writ or direction more particularly one in nature of writ of Mandamus directing the respondent No.3 to conduct enquiry as per the directions of this court in W.A.No.190 of 2005 dated 26-04-2006 and restore the petitioner's caste certificate and pass such other suitable orders.

3 . The petitioner is a native of Sivalingapuram village, Anantahagiri Mandal in Vishakapatnam District Area and he belongs to Valmiki Community, which is a Scheduled Tribe Category. It is stated that he contested for the post of president of the erstwhile Panchayat Samithi, Ananthagiri, in the elections held in May,1981. Basing on the so called report of the Committee, the Government issued G.O. 11 S.W., dated 8-2-1993. By virtue of it, his caste certificate was cancelled. The petitioner filed writ petition No.18204 of 1993 challenging the said G.O.11 S.W., dated 8-2-1993 and the same was dismissed on 2-9-2004. Aggrieved by the same, the petitioner preferred W.A.No.190 of 2005. The Division Bench of this court by order dated 26-4-2006 observed as hereunder:

> *"Hence, taking into consideration the Andhra Pradesh (SC, ST & BCs) Regulation of Issue of Community Certificates Act, 1993 (Act 16 of 1993), wherein a regular procedure is contemplated for going into such questions and which contemplates the authorities to follow certain procedure after giving an opportunity to the parties concerned to decide on the question of caste, the writ appeal is allowed and the order of the learned Single Judge is set aside and the matter is remitted to the respondents to take up the proceedings afresh duly following the procedure as contemplated under the Andhra Pradesh (SC, ST & BCs) Regulation of Issue of Community Certificates Act, 1993 and pass orders on merits, in accordance with law, after giving notice and opportunity to the parties concerned. The entire exercise shall be completed within a period of eight weeks from today. No order as to costs."*

4 . The grievance of the petitioner is that at present, the petitioner may not be permitted to contest the elections under the Scheduled Tribe category. It is needless to say that the cancellation order relating to the status of the petitioner as belonging to the Scheduled Tribe as such was not set-aside. But however, in the writ appeal aforesaid, a direction was given to further enquire into the matter and pass

appropriate orders on merits in accordance with law, after giving notice and opportunity to the parties concerned. Inasmuch as the order of the cancellation of the status of petitioner as Scheduled Tribe in fact had not been set-aside even by virtue of the order referred to supra in the writ appeal, this court is not inclined to interfere or grant any direction whatsoever in relation to the participation or otherwise of the petitioner in the Panchayat elections. It is needles to say that the concerned authorities to complete the enquiry as directed in the writ appeal by this court. Except making this observation, nothing can be done in this writ petition.

5. Accordingly, the writ petition is disposed of. No order as to costs.

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P.S.NARAYANA,J

15-06-2006

Stp